

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM BENTON WILLIAMS,
JR.,

Defendant.

CR 22-87-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant William Benton Williams, Jr. (Williams) has been accused of violating the conditions of his supervised release. Williams admitted all of the alleged violations. Williams's supervised release should be revoked. Williams should be placed in custody until 12:00 p.m. (noon) on April 10, 2023, with no supervised release to follow.

II. Status

Williams pleaded guilty to Conspiracy to Participate in a Racketeering Enterprise, and Conspiracy to Possess with Intent to Distribute and to Distribute Methamphetamine on June 8, 2015. (Docs. 2-1, 2-3). United States District Judge Claire V. Eagan sentenced Williams to 63 months of custody, followed by 5 years

of supervised release. (Doc. 2-3).

Petition

The United States Probation Office filed a Second Amended Petition on February 24, 2023, requesting that the Court revoke Williams's supervised release. (Doc. 21). The Second Amended Petition alleged that Williams had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing on two separate occasions; 2) by using methamphetamine on six separate occasions; and 3) by failing to comply with the terms of his home confinement.

Initial appearance

Williams appeared before the undersigned for his initial appearance on the Second Amended Petition on February 27, 2023. Williams was represented by counsel. Williams stated that he had read the petition and that he understood the allegations. Williams waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on March 7, 2023. Williams admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing on two separate occasions; 2) by using methamphetamine on six separate occasions; and 3) by failing to comply with the

terms of his home confinement. The violations are serious and warrant revocation of Williams's supervised release.

Williams's violations are Grade C violations. Williams's criminal history category is VI. Williams's underlying offenses are Class A felonies. Williams could be incarcerated for up to 60 months. Williams could be ordered to remain on supervised release for up to 60 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 8 to 14 months.

III. Analysis

Williams's supervised release should be revoked. Williams should be incarcerated until 12:00 p.m. (noon) on April 10, 2023, with no supervised release to follow. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Williams that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Williams of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Williams that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Williams stated that he wished to waive his right to object to these Findings and

Recommendations, and that he wished to waive his right to allocute before a United States district court judge.

The Court **FINDS:**

That William Benton Williams, Jr. violated the conditions of his supervised release: by failing to report for substance abuse testing on two separate occasions; by using methamphetamine on six separate occasions; and by failing to comply with the terms of his home confinement.

The Court **RECOMMENDS:**

That the District Court revoke Williams's supervised release and commit Williams to the custody of the United States Bureau of Prisons until 12:00 p.m. (noon) on April 10, 2023, with no supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court

judge.

DATED this 8th day of March, 2023.



John Johnston
United States Magistrate Judge